

Remarks

The amendments to the claims were necessary to add sequence identifiers. Accordingly, no new matter has been added to the claims.

In response to the Restriction Requirement dated January 22, 2007, Applicants hereby elect with traverse Group I (claims 1 to 14, 18 to 42, 46 to 59 and 67 to 68) drawn to an isolated polypeptide, a serine recombinase, hybrid recombinase mutated at position 101 and a catalytic domain peptide and a DNA binding domain, and a kit. In addition, Applicants elect species A (protein of Tn3 resolvase) and for the 16-peptide species, TVDRTS (SEQ ID NO: 31) from claim 36. Applicants submit that claims 1, 2, 7 to 14, 18 to 23, 28 to 42, 46, 47, 52 to 59, 67 and 68 read upon the elected species of Tn3 resolvase while claims 18 to 23, 28 to 42 and 68 read upon the elected species of 16-peptide, TVDRTS (SEQ ID NO: 31).

With regard to the traversal of the Group election, Applicants note that the Office Action considers the inventions of Groups I to XII to lack the same or corresponding technical features. Applicants respectfully submit that the inventions of Groups I to XII have the same or corresponding technical features. PCT Rule 13.2 defines the expression “special technical feature” to mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. In consideration of this definition, Applicants assert that the special technical feature of the invention recited by the claims of Groups I to XII require, in certain instances, a combination of polymorphisms that define a contribution over the prior art (and the cited reference Arnold *et al.*) as set forth, for example, in the subject matter of claims 1 and 7. Applicants note that the International Search Authority found that additional substitutions constituted a single invention for examination purposes (see PCT/ISA/210 dated December 22, 2004). Accordingly, Applicants respectfully request that the claims of Group II to XII be rejoined and examined with Group I.

Furthermore, Applicants respectfully submit that the inventions of Groups XIII to XV should be rejoined and examined with the invention of Group I. Example 17 of PCT Administrative instructions indicates that a protein and its encoding nucleic acid exhibit corresponding special technical features. Given that the invention of Groups XIII to XV are drawn to nucleic acids encoding the protein of Group I, the inventions of these claims are linked to form a single general inventive concept. Accordingly, the inventions of Groups I and XIII to XV do not lack unity of invention and should be examined together.

Applicants also note the Examiner’s restriction between product and process claims and comments beginning on page 8 of the previous Office Action. Applicants therefore request rejoinder of

the process claims in Group XVII that apply to the elected invention (*i.e.*, claims 1 and 18). Applicants submit that all of the claims in Group XVII are drawn a process which encompasses the use of a serine recombinase.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

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Respectfully submitted,
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